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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/804,555	03/19/2004	Richard R. Rabbat	073338.0151 (03-52020 FLA)	7448
5073	7590	03/07/2008	EXAMINER	
BAKER BOTTS L.L.P. 2001 ROSS AVENUE SUITE 600 DALLAS, TX 75201-2980			TRAN, PHUC H	
			ART UNIT	PAPER NUMBER
			2616	
			NOTIFICATION DATE	DELIVERY MODE
			03/07/2008	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

ptomail1@bakerbotts.com  
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<b>Office Action Summary</b>	Application No.	Applicant(s)
	10/804,555	RABBAT ET AL.
	Examiner	Art Unit
	PHUC H. TRAN	2616

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 19 December 2007.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-31 is/are pending in the application.
  - 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-31 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.
 

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) Notice of Informal Patent Application
- 6) Other: \_\_\_\_\_

**DETAILED ACTION*****Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-3,6-10,13-17,20-24, and 27-30 are rejected under 35 U.S.C. 102(e) as being anticipated by Howe (2005/0058149).

With respect to claims 1-3,6-10,13-17,20-24, and 27-30, Howe disclose a time scheduled and time reservation packet switching comprising : a data interface operable to receive data for transmission to a plurality of destinations (see paragraph 213) ; a buffer operable to store the data; a transmitting unit operable to couple to an optical transmission medium(see paragraph 159) having a plurality of data channels and to selectively transmit optical signals on the data channels; and a controller operable to receive a token authorizing transmission on one of the data channels, to determine a transmission allocation(see paragraph 893), wherein the transmission allocation represents an amount of time that the authorized data channel may be utilized to transmit the data, to determine a destination allocation, wherein the destination allocation represents a proportion of the transmission allocation that may be utilized to transmit the data to a particular destination, and to transmit the data on the authorized data channel in accordance with the transmission allocation and the destination allocation(see paragraph 279);

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wherein the controller is further operable to receive a plurality of transmission control messages, each transmission control message including information identifying a node, a data channel, and transmission timing, to build a network schedule based on the information, to analyze the network schedule to determine an appropriate time period to transmit the data on the authorized data channel, and to transmit the data on the authorized data channel during the appropriate time period(see paragraph 221);

wherein determining the transmission allocation and determining the destination allocation comprise analyzing topology information associated with an optical communication ring to calculate the transmission allocation and the destination allocation(see paragraph 438);

, wherein the buffer is further operable to store the data in a plurality of virtual queues, each virtual queue associated with a unique destination node, and wherein the controller is further operable to utilize a weighted round robin scheduler to determine which virtual queue to service(see paragraph 29);

wherein the controller is further operable to generate a transmission control message identifying a destination node and the authorized data channel, to communicate the transmission control message to a next node, and to communicate the token to the next node(see paragraph 219);

a plurality of optical communication nodes; optical transmission media interconnecting the optical communication nodes(see paragraph 159), the optical transmission media having a plurality of data channels; and a plurality of logical tokens corresponding to the data channels(see paragraph 212); wherein each of the optical communication nodes is operable to: receive data for transmission to a destination one of the optical communication nodes; receive

one of the logical tokens; identify one of the data channels associated with the logical token; determine a transmission allocation(see paragraph 893), wherein the transmission allocation represents the amount of time that the identified data channel may be utilized to transmit the data; determine a destination allocation, wherein the destination allocation represents a proportion of the transmission allocation that may be utilized to transmit the data to a particular destination; and transmit the data to the destination optical communication node using the identified data channel in accordance with the transmission allocation and the destination allocation(see paragraph 279);

wherein each of the optical communication nodes is further operable to: receive a plurality of transmission control messages, each transmission control message including information identifying an optical communication node, a data channel, and transmission timing; build a network schedule based on the information; analyze the network schedule to determine an appropriate time period to transmit the data on the identified data channel; and transmit the data on the identified data channel during the appropriate time period(see paragraph 221).

***Response to Arguments***

3. Applicant's arguments filed 12/19/2007 have been fully considered but they are not persuasive.
4. In response to Applicant's argument that "to determine a transmission allocation, wherein the transmission allocation represents an amount of time that authorized data channel may be utilized to transmit the data", Examiner respectfully disagree. Howe teaches the reservation/schedule that works better for transmitting between the routers 2 to 3 and 4 would consider as amount of time for authorized data channel may be utilized to transmit the data.

Howe also discloses the notifying the final destination router as a proportion of the transmission allocation that may be utilized to transmit the data.

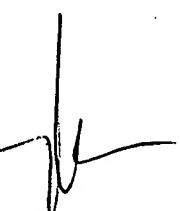
***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to PHUC H. TRAN whose telephone number is (571)272-3172. The examiner can normally be reached on M-F (8-4:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, CHI PHAM can be reached on (571) 272-3179. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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Art Unit 2616

  
/PHUC H TRAN/  
Examiner, Art Unit 2616